



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CRL MP No. 9809 of 2025

AND

CRL A NO. 271 OF 2022

1. Sulthan Alavudeen @ Sulthan
S/O Mohammed Rukmaan, Pallivasal
Street, Kattanoor Po, Thiruchuli Taluk,
Virudhu Nagar District

Petitioner(s)

Vs

1. State of Represented Inspector Of
Police,
Variety Hall Road Police Station,
Coimbatore (Crime No.300/2019)

Respondent(s)

CRL A No. 271 of 2022

1. Sulthan Alavudeen@sulthan
S/o Mohammed Rukmaan, Pallivasal
Street, Kattanoor Po, Thiruchuli Taluk,
Virudhu Nagar District

Appellant(s)



Vs

1. State Rep By

Inspector Of Police, Variety Hall Road
Police Station, Coimbatore (crime
No.300/2019)

Respondent(s)

CRL MP No. 9809 of 2025

PRAYER

To suspend the sentence imposed against the petitioner passed in Spl.CC.no. 55 of 2021 on the file of the Childrens court special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore dated 10.01.2022 and enlarge the petitioner on bail pending disposal of thsi criminal appeal .

CRL A No. 271 of 2022

PRAYER

To set aside the judgment of conviction and sentence passed against the petitioner in Spl.CC.no. 55 of 2021 on the file of the Childrens court special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore dated 10.01.2022

CRL MP No. 9809 of 2025

For Petitioner(s): Mr.G.Pandiyan

For Respondent(s): Mr.A.Damodaran
Additional Public Prosecutor,
assisted by Ms.M.Arifa Thasneem

**ORDER****(Order of the Court was made by N.Sathish Kumar J.)**

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This petition has been filed to suspend the sentence imposed on the petitioner/appellant by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, in Spl.S.C.No.55 of 2021, by judgment dated 10.01.2022. The petitioner/appellant was convicted for the offence under Section 294(b) IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for two weeks; for the offence under Section 302 IPC and sentenced to undergo life imprisonment after the completion of 21 years (26.07.2001) at the place of safety and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment. Though the accused/child in conflict with law was a juvenile at the time of the offence, considering that the age of the child in conflict was 17 years 9 months 19 days at the time of offence and the nature of offence held to be heinous, which is supported by the findings of the Juvenile Justice Board, the child in conflict with law was treated as an adult, and after completion of the trial under Section 19 of the Juvenile



Justice Act, 2015, the punishment has been imposed by the trial Court.

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2.Challenging the conviction and sentence, the accused has preferred the above appeal and sought for suspension of sentence and grant of bail.

3.Learned counsel appearing for the petitioner/accused would submit that there are various contradictions in the evidence and he would submit that, except the evidence of P.W.5, the other aspects have not been considered by the trial Court. The petitioner was a juvenile and this was not also considered by the trial Court while awarding punishment.

4.We have perused the evidence on record.

5.The trial Court has given undue importance to the so-called admission of the petitioner/accused and the evidence of P.W.5 and convicted the petitioner, who was a juvenile at the time of occurrence. We are of the view that the petitioner has made out an arguable case. Since this appeal is not likely to be



taken up in the near future, we are inclined to suspend the sentence and grant bail to the petitioner.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant shall be released on bail on him executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Coimbatore, and on further conditions that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate No.1, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) on release, the petitioner/appellant shall appear before the trial Court on the first working day of every month, until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.



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7. Accordingly, this petition is ordered.

(N.SATHISH KUMAR J.)(M.JOTHIRAMAN J.)

24-11-2025

Internet: Yes

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To

1. The Sessions Judge,
Children's Court/Special Court for
Exclusive Trial of Cases under POCSO
Act, Coimbatore.

2. The Judicial Magistrate No.1,
Coimbatore.

3. The Inspector Of Police,
Variety Hall Road Police Station,
Coimbatore (Crime No.300/2019)

4. The Superintendent,
Central Prison, Coimbatore.

5. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN J.

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